IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O. O. C. J.

WRIT PETITION NO. 2008 OF 2006

Badelal Nanku Kori and others .. Petitioners
v/s.
State of Maharashtra and anothers .. Respondents

Mr. Susheel Mahadeshwar with Ms. R.J. Todankar for the petitioners.
Mr. P.M. Mokashi, Assistant Government Pleader for the respondent No.1.
Ms. L.S. Desai i/by Ms. P. Divekar for the respondent No.2.
Mr. A.K. Jalisatgi for the respondent No.3.
Mr. A.B. Desai for the respondent No.4.

CORAM : R.M. LODHA &
SMT.NISHITA MHATRE , JJ.

DATED : 17TH JANUARY, 2007

P.C.

Heard.

2. Mr. Susheel Mahadeshwar, the counsel for the petitioners invited our attention to the judgment dated 10th October, 2006, passed by this court in writ petition No.5467 of 2005 (Maharashtra Suraksha Rakshak Aghadi v. State of Maharashtra and others) wherein the Division Bench quashed and

set aside the exemption notification dated 24th July, 2003.

3. Para 24 of the said judgment reads thus-

> "24. Inasmuch as the Notification dated 24th July, 2003 was issued in the absence of a proper consultation with the Advisory Committee and on facts in a situation when according to the Administration the guards were not likely to receive better benefits, the arrangement between respondent No.4 – agency and all the principal employers on the basis of the exemption will come to an end if that is actually so. There is no specific prayer with respect to the guards employed under other establishments. However, on parity of reasoning, it will be expected of the Board to make a report of actual benefits and if it is adverse, the Government will cancel the exemption for such guards under the proviso to Section 23 of the Act. In that case the Board will consider those guards for registration and call upon those principal employers to get registered with the Security Guards Board and thereafter consider these guards and allot these guards to those principal employers."

4. We are informed that though the principal employer in the present case is different i.e., M/s. Kilban Engineering Ltd., the agency in the present case and in writ petition No.5467 of 2005 is the same viz. M/s. Industrial Guards Services Private Limited.

5. We are, thus, satisfied that the judgment of this court dated 10th October, 2006 is squarely applicable to the present case. The respondent No.2 Board shall now proceed with the registration of the petitioners in the light of the order dated 10th October, 2006 passed by the Division Bench in writ petition No.5467 of 2005 and in accordance with law.

Writ petition stands disposed of.

(R.M.LODHA, J.)

(SMT. NISHITA MHATRE, J.)